

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02419-CKK**

AMERICAN OVERSIGHT v. U.S. GENERAL SERVICES
ADMINISTRATION et al
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 10/23/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Cerissa Cafasso**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5244
Fax: (202) 871-6523
Email: cerissa.cafasso@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Hart W. Wood
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 873-1743
Fax: (202) 871-6523
Email: hart.wood@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. GENERAL SERVICES
ADMINISTRATION**

represented by **Peter T. Wechsler**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 514-2705
Fax: (202) 616-8470
Email: peter.wechsler@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF MANAGEMENT AND
BUDGET**

represented by **Peter T. Wechsler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Peter T. Wechsler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Peter T. Wechsler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/23/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5753671) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons)(Cafasso, Cerissa) (Entered: 10/23/2018)
10/23/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 10/23/2018)
10/25/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (zjd) (Entered: 10/25/2018)
10/25/2018	<u>3</u>	SUMMONS (6) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE, U.S. GENERAL SERVICES ADMINISTRATION, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 10/25/2018)
10/29/2018	<u>4</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 10/29/18. (DM) (Entered: 10/29/2018)
11/15/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/25/2018. (Answer due for ALL FEDERAL DEFENDANTS by 11/24/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/31/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 10/31/2018; OFFICE OF MANAGEMENT AND BUDGET served on 10/31/2018; U.S. DEPARTMENT OF JUSTICE served on 10/31/2018; U.S. GENERAL SERVICES ADMINISTRATION served on 10/30/2018 (Cafasso, Cerissa) (Entered: 11/15/2018)
11/16/2018	<u>6</u>	NOTICE of Appearance by Peter T. Wechsler on behalf of All Defendants (Wechsler, Peter) (Entered: 11/16/2018)
11/16/2018	<u>7</u>	Unopposed MOTION for Extension of Time to File Answer by FEDERAL BUREAU OF INVESTIGATION, OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF JUSTICE, U.S. GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 11/16/2018)
11/16/2018		Minute Order: The Court is in receipt of Defendants' <u>7</u> Motion for an Extension of Time. Defendants' response to Plaintiff's complaint is currently due November 26, 2018. Defendants' counsel was only recently assigned to the matter and requires additional time to consult with Defendants and prepare a response. Plaintiff does not oppose this motion. Defendants' motion is GRANTED. Defendants' response to Plaintiff's complaint is due DECEMBER 10, 2018. Signed by Judge Colleen Kollar-Kotelly on 11/16/2018. (lcckk3) (Entered: 11/16/2018)
11/16/2018		Set/Reset Deadlines: Answer due by 12/10/2018. (dot) (Entered: 12/06/2018)
12/07/2018	<u>8</u>	ANSWER to Complaint by U.S. GENERAL SERVICES ADMINISTRATION.(Wechsler, Peter) (Entered: 12/07/2018)
12/10/2018	<u>9</u>	ORDER. Signed by Judge Colleen Kollar-Kotelly on 12/10/2018. (lcckk3) (Entered: 12/10/2018)
12/10/2018		Set/Reset Deadlines: Joint Status Report due by 1/18/2019. (kt) (Entered: 12/10/2018)
01/07/2019	<u>10</u>	MOTION to Stay by U.S. GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 01/07/2019)

01/07/2019		Minute Order: The Court is in receipt of Defendants' <u>10</u> Motion for Stay of the Deadline for Parties to Submit a Joint Status Report. The parties' Joint Status Report is due January 18, 2019. Defendants move to extend this deadline. As of December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. Absent an appropriation, the Department is prohibited from working except in circumstances which do not apply to this case. Defendants request a stay until after appropriations have been restored and an extension of the deadline for the submission of the Joint Status Report commensurate with the duration of the lapse in appropriations. Defendants report that Plaintiff takes no position with respect to tolling deadlines but opposes a general stay. As Defendants cannot work on this case during the lapse in appropriations, the Court GRANTS Defendants' motion and ORDERS the case STAYED. Defendants are ORDERED to file a Status Report within seven days of the restoration of appropriations notifying the Court and the Plaintiff and requesting an appropriate deadline for submitting the Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on 01-07-2019. (lcckk3) (Entered: 01/07/2019)
02/01/2019	<u>11</u>	STATUS REPORT by U.S. GENERAL SERVICES ADMINISTRATION. (Wechsler, Peter) (Entered: 02/01/2019)
02/01/2019		Minute Order: On January 7, 2019, this Court issued a stay in this case due to the lack of appropriations to the Department of Justice. As appropriations have now been restored, the Court ORDERS the stay lifted. The Court further ORDERS that the parties file their Joint Status Report by FEBRUARY 15, 2019. Signed by Judge Colleen Kollar-Kotelly on 2-1-2019. (lcckk3) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Joint Status Report due by 2/15/2019. (dot) (Entered: 02/04/2019)
02/15/2019	<u>12</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 02/15/2019)
02/15/2019		Minute Order: The Court is in receipt of the parties' <u>12</u> Joint Status Report. The parties report that GSA has conducted searches for responsive records and located them for only one of Plaintiff's three FOIA requests. GSA also reports that it is withholding the records in full as exempt from FOIA. The parties further report that OMB has initiated a search for records responsive to Plaintiff's three FOIA requests and expects to soon have estimates for the numbers of potentially responsive records. DOJ-OIP has initiated its search for records responsive to Plaintiff's two FOIA requests and estimates that it will complete its search by June 15, 2019. DOJ-FBI reports that it has also commenced its search for records responsive to Plaintiff's two FOIA request but cannot yet estimate the number of records or the time it will take to complete the search. The parties are ORDERED to file a further JOINT STATUS REPORT on MARCH 15, 2019. The parties are further ORDERED to file additional Joint Status Reports every 30 days thereafter. The parties are also free to file Joint Status Reports between the filing deadlines if issues arise that require the Court's attention. Signed by Judge Colleen Kollar-Kotelly on 2-15-2019. (lcckk3) (Entered: 02/15/2019)
02/15/2019		Set/Reset Deadlines: Joint Status Report due by 3/15/2019. (dot) (Entered: 02/22/2019)
03/15/2019	<u>13</u>	Joint STATUS REPORT by U.S. GENERAL SERVICES ADMINISTRATION. (Wechsler, Peter) (Entered: 03/15/2019)
04/15/2019	<u>14</u>	Joint STATUS REPORT by U.S. GENERAL SERVICES ADMINISTRATION. (Wechsler, Peter) (Entered: 04/15/2019)
05/15/2019	<u>15</u>	Joint STATUS REPORT by U.S. GENERAL SERVICES ADMINISTRATION. (Wechsler, Peter) (Entered: 05/15/2019)
06/17/2019	<u>16</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 06/17/2019)
07/15/2019	<u>17</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 07/15/2019)
08/14/2019	<u>18</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 08/14/2019)

09/13/2019	<u>19</u>	Joint STATUS REPORT by U.S. GENERAL SERVICES ADMINISTRATION. (Wechsler, Peter) (Entered: 09/13/2019)
09/13/2019		Minute Order: The Court is in receipt of the parties' <u>19</u> Joint Status Report. The parties report that Defendants have completed their searches and have redacted or withheld under FOIA exemptions some responsive records and produced all non-exempt responsive records. Plaintiff questions the redactions pursuant to FOIA Exemptions 5 and 7 as well as the adequacy of Defendants' searches. Summary judgment briefing is necessary to resolve these issues. The Court ORDERS that Defendants file a Motion for Summary Judgment by NOVEMBER 4, 2019; Plaintiff file an Opposition and Cross-Motion for Summary Judgment by DECEMBER 4, 2019; Defendants file a Reply and Opposition to Cross-Motion for Summary Judgment by JANUARY 6, 2020; and Plaintiff file a Reply by JANUARY 22, 2020. Signed by Judge Colleen Kollar-Kotelly on 9-13-2019. (lcckk3) (Entered: 09/13/2019)
09/13/2019		Set/Reset Deadlines: Defendants' Summary Judgment Motion due by 11/4/2019. Response to Motion for Summary Judgment due by 12/4/2019. Reply to Motion for Summary Judgment due by 1/6/2020. Plaintiff's Cross Motion due by 12/4/2019. Response to Cross Motion due by 1/6/2020. Reply to Cross Motion due by 1/22/1920. (dot) (Entered: 09/16/2019)
10/18/2019	<u>20</u>	NOTICE of Appearance by Hart W. Wood on behalf of AMERICAN OVERSIGHT (Wood, Hart) (Entered: 10/18/2019)